

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.5632 OF 2006

Anand Co-op Hsg Society
and ors. .. Petitioners.

Vs

State of Maharashtra & ors. .. Respondents

Mr Rajesh D Bindra, for the petitioners.
Ms V.S.Mhaispurkar, AGP for respondent nos 1 & 4.
Mr A.S.Rao, for respondent no.2.
Mr A.L.Kumar, for respondent no.5.

CORAM : D.B.BHOSALE, J.
DATE : 23.08.2006

PC:

1. Heard the learned counsel for the parties.
2. The challenge to the commencement certificate issued by Kalyan Dombivali Municipal Corporation, dated 6.6.2006 is on the ground that by this order the corporation has allowed respondent nos 5 and 6 to make construction on R.G. Area. Mr Rao, learned counsel for the corporation, however, submits that they have not granted permission, as alleged, to make construction on the R.G. Area. Mr Rao further pointed out that the order is appealable under section 47 of the M.R.& T.P.Act. Having confronted with this, Mr Bindra, learned counsel for the petitioners, prays for withdrawal of this petition with

liberty to adopt appropriate remedy under section 47 of the M.R. & T.P.Act. The writ petition is allowed to be withdrawn with liberty as prayed for.

(D.B.BHOSALE, J.)